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COMMERCIAL.

HONOLULU, JAN. 22, 1889. Arrivals from from foreign ports since last report have been the brigantine W. G. Irwin, San Francisco; barkentine Skagit, Paget Sound: four-masted schooner Robert Searles, Port Townsend; and barkentine Cuthone, from Astoria for Sydney, put in for repairs. S. S. Zealandia, carrying the English mail, is hourly expected from San Francisco for the Colonies when this is

Departures have been U. S. S. Adams en route from Samoa, S. S. Australia and bark C. D. Bryant, all for San Francisco. Schooners Rosario, Rosalind and J. G. North have sailed with sugar from Kahului. Bark Sonoms and tern W. S. Bowne will

have sailed from this port for the same destination by the time this is published. Receipts of sugar for shipment hence during the week have been 32,623 bags, and of rice 3,372 bags. Pending the arrival of the hourly-expected mail, there is nothing new to offer regarding the sugar market.

PORT OF HONOLULU, H. I.

ARRIVALS.

MONDAY, Jan. 14. Stur Lehua, Clark, from Hamakua. Stmr Watmanalo, Kulkahi, from Koo-Bri bkt Cuthona, Giffer, 31 days from

Schr Lavinia from Ewa. Schr Moi Wahine from Hamakua, Ha-Schr Kaalokai from Kauai.

Schr Caterina from Kauai. Tuespax, Jan. 15. Stmr C R Bishop, Le Claire, from circuit

Stmr Ewa from Ewa. Am schr Robert Searles, Pittz, Port Schr Kaulilua from Kauai, Schr Mokuola from Ewa, Oahu, Schr Sarah & Eliza from Koelan,

WEDNESDAY, Jan. 16. Am brigt W G Irwin, McCulloch, 1412 days from San Francisco. Am bktne Skagit, Cutler, 23 days from

Schr Kauikeaouli from Kohala. Schr Walehu from Kauzi. Stmr Kaala, Underwood, from Walanae Schr Mile Morris from Koolan, Oahn.

Stmr J A Cummins, Neilson, from Wai-

THURSDAY, Jan. 17. Star Kilauca Hou, Cameron, from Hamakua, Hawaii FRIDAY, Jan. 18.

Stmr W G Hall, Chancy, from Mani and Simr James Makee, Macaulay, from Kapaa. Simr Kaala, Underwood, from Waianae and Waishta. Simr J A Cummins, Neilson, from Koo-

Stmr Ewn Wilson, from Ewa, Oahu. SATURDAY, Jun. 19. Stmr Waisleale. Campbell, from Kilauea and Hanalet. Schr Libeliho from Lahama.

Stmr Mokolli, McGregor, from Molokai SUNDAY, Jan. 20. Stmr Likelike, Davies, from Kahnlui. Stmr Mikahala, Freeman, from Kauai. Stmr James Makee, Macaulay, from Ka-

Stmr Pele, Smythe, from Hamakua, Stmr Lehus, Clark, trom Hamakus, Schr Kuslokai from Kausi, Schr Kawailani from Koolau.

DEPARTURES.

Moximax, Jan. 14. Stmr Mokolii. McGregot, for Molokai, Stmr J A Cumpuns, Neilson, for Ps evoluers Strer Kasis, Underwood, for Waialua

and Waisnae, at 9 a m. Schr Liholiho for Lahaina. Sehr Kulamann for Kanai. Schr Kawailani for Koolau. Schr Rainbow for Koolan.

Turspay, Jun. 15. Haw S S Australia, Houdlette, for San Stmr Kinnn, Lorenzen, for Mani and Hawaii, at 2 p m. Stmr Jas Makee. Macaulay, for Kapaa,

Kauni, atô p.m. Stmr Pele, for Hamakun, 12 m. Stmr Likelike, Davies, for Kahului and way ports, at 5 p m. mer Lehus, Clark, for Hamakus and Stmr Mikshala, Freeman, for Kauai, 5 the Hall Bros., at Port Blakely quite recently and is a very fine vessel. She is said to be a very fast sailer. Star Mikahula, Freeman, for Kauai, 5

and Hanalei, at 5 p m.
Schr Lavinia for Kauai.
USS Adams, Lenry, for San Francisco.
Schr Waimalu, Weisbarth, for Howland

lefeate, place wht schr Kaulius, for Koolm and Hanalei. Schr Mokuola for Ewn. Schr Sarah and Eliza for Koolau. TRUBSDAY, Jun. 17.

> Schr Haienkala for Pepeckeo. Stmr Iwalam, Weir, for Hamakua, via Lahaina, at 10 a. m. Stmr C R Bishop, Le Claire, for a circuit of this island, at 9 a. m. Stur Kaals, Underwood, for Waianae

Am bark C D Bryant, Lee, for San Fran-Schr Mile Morris for Koolan, Oahu. Schr Walchu for Kausi. Schr Caterina for Ewa.

Schr Moi Wahine for Hamakua, Bawaii. Schr Kanikeaouli for Kohala. SATURDAY, Jan. 19. Stmr Kilsuen Hou, Cameron, for Hamakun Hawatt, 4 p zu.

Receipts of Produce for the Week. Bage sugar. Bags rice., Mis. pkgs.

Strar Lehma 2500	70.07	
Schr Moiwahine, 2100	- 144 mm W	Tobas
Schr Lavinia	80	170
Schr Kanlokai 100	200	
Schr Haleakala. 800	III MILO	
Schr Mokuola	280	
Schr Kaulilus 745		
Stmr C R Bishop	320	
Schr Mokuola	250	2000
Stmr Ews	500	
Stnir Kasla 1000		
Schr Mile Morris.	460	2000
Schr Kauikea'uli 2100		
StrarKilauenHou 3850	100,000	40000
Stmr W G Hall., 1688		390
Stmr Jas Makee. 2465	110	41
Stmr Ewa	500	Sec.
Stmr Likelike 4950		249
Stmr Mikahala . 3314	102	130
Strir Walaleale . 330		
Smar Cummins, 1800		10000
Stnir Kuala 800	1400	770
Schr Kawaiiani	690	
Schr Liholiko 1700		2000
Stur Mokolii 500		255

Yessels in Port from Foreign Purts USS Dolphin, Wilde, Mexico. H B M S Hyacinth, Acland, Tahiti, H B M S Cormorant, Nicholls, Cruise, Bkt Cuthona, Giffer, Victoria, B. C. Bk Kalakaua, Henderson, Tahiti. Tern W S Bowne, Bluhm, San Francisco. Bk Sonoma, Griffiths, San Francisco. Brit bk Dunscore, Hind, Liverpool. Brit yacht Nyanza, Hunt, South S Islands Bk Forest Queen, Winding, San Francisco. Bktne Amelia, Newhall, Port Townsend. Bk CO Whitmore, Ward, Departure Bay Schr Robert Searles, Pittz, Port Blakeley, Bgine WG Irwin, McCalloch, San Francisco Bkine Skrigit, Cutter, Port Townsend,

PASSENGERS. SUPREME COURT.

January Term-Mr. Justice Bickerton From Hamakua per steamer Lehua, Jan

ARRIVALS.

From Kauai, per stmr James Makee, Jan 18—G E Fairchild, and 6 deck pas-

From Kauai, per stmr Mikahala, Jan X

-Miss Bishop, Mrs F H Bishop, H F Glade, C Burlowitz, Fred S Lyman and

DEPARTURES.

For San Francisco, per S S Australia

Jan 15—S Cohn, Mrs B Smith, A Huas, Mrs N P Jacobsen, M Phillips Jr. J T Waterhouse and wife, Hon H Waterhouse

and wife, J Hyman and wife, A L Louis son, Dr J Brodie and wife, and H F Lewis

Steerage: E McGeeney, T Parnell, 6 Japan-

For Mau and Hawaii, per stmr Kinau,

Jan 15-Miss Grace Porter, Miss N Daniels W C Williams, C E Richardson, Chur

Lung, J D Cockett and wife, Misses Mabe

and Mary Hitchcock, W Davis, D H Hitchcock Jr., S Kimura, Rev Father Maxine, E Olding, C F Beard, J Renton, H B Richards, T R Keyworth, F M Swanzy, Rev Mr Noall, Rev S Ukai, C A Chapin, Mrs R Punku, J B Hopkins and wife, Mrs Michad, Miss H K Wilder, and 60 deck

For Kauai, per stmr Mikahaia, Jan 15-Mrs Riemenschneider, R.W.T.Purvis, Dr. Martin, E. Lyman, Misses Mahoe, Mr.

For Mani per stmr Likelike. Jan 15-

A Barba, J Gonsalves, Mrs Osborne, Miss Kelly, Masters Joseph, A Barba, Judge J

W Kalua, and about 30 deck passengers.

For San Francisho, per back C D Bryant.

Jan 17-Miss McChesney, Mrs Deverin, E.

SHIPPING NOTES.

The schooner Rosario sailed from Ka

hulai, Maul, on Saturday, January 19th, with sugar for San Francisco.

Ryder, entered outwards from Sydney, December 18, for Honolulu via Newcastle.

The American bark Hesper, Capt. Cyrus

The terns J. G. North and Rosalind both

The Hawaiian schooner Waimala, Capt.

Weisbarth (formerly of the steamers Like-like and Pele), sailed January 15th in bal-

last for Howland Island to load guano for Messrs. Theo. rl. Davies & Co., and is ex-

pected to be back within two months' time

The American barkentine Skagit, Capt.

R. D. Cutler, arrived early January 17th, 23 days from Port Townsend, with about 600,000 feet lumber for Messrs, Lewers &

who and is docked at the Fort street

wharf. Had heavy S. E. gales the first ten

days, thence experienced N. & N. E. trade

The American bark Wrestler sailed from Newcastle, N. S. W., for Honolulu, Dec.

14th, with 815 tons coal, and the schooner William Renton on Dec. 16th, with 755 tons coal for Kahului, Maui. The barken-

tine Robert Sudden, belonging to the same line as the William Renton, was loading

and 114 000 shingles, for Messrs, Allen &

The British Lorkentine Cuthona, Capt.

early January 14th, in distress. She was 51 days from Victoria, British Columbia

with a error of pickets and salmon for Sydney, N. S. W. During the voyage from

The American bark C. D. Bryant, Cupt.

The Hawaiian steamship Australia

Captain H. C. Houdlette, sailed on Tues-

Campbell, 3.217 do. do.; P. J. Camerino

554 do. de. Sundries: 82 bbls. tallow, 300

bags rice, 285 empty kegs, 1,315 hides, 1,130 sheep and goat skins, 42 bxs, betel

leaves, 50 bdls, stigar cane, 10 bxs. yams, and 2 bags coffee. Domestic value, \$134,-

MOSSMAN-In this city, January 13th, to the wife of Richard N. Mossman, a

JONES-In Honolulu, January 12th, to

ROSA-In this city; January 13th, to the wife of Joseph Rosa, a son.

MARRIED.

SMITH-LINDSAY-At St. Andrew's Cathedral, January 14th, by Rev. Alex.

Mackintosh, Mr. Thomas Smith and Miss

Maggie Lindsay, daughter of Mr. Thos. Lindsay.

DIED.

the wife of Pierre Jones, a daughter,

Willis, and 40 deck passengers.

Dolan, and J Stevens.

and 20 deck passengers.

tons and the latter 500 tons.

to port.

oal for Honelulu.

Wednesday.

Australia.

value, \$140,332,44.

611 65.

and 20 deck passengers.

ese and 2 Portuguese.

cers, and 28 deck passengers.

Presiding. 14-Mr Duff and 16 deck passengers. FRIDAY, Jan. 18. From San Francisco, per brigt W G Irwin, Jan 17—Ed Hutton and A B Case, Trial of J. R. Robertson for Shooting From Waianae and Waialua, per stmr Magoney-Verdict of Guilty-An Appeal Taken. Kaala, Jan 17-Mrs Ahrens, 3 children and servant, Mr Jackson, Mrs Stewart, and 13

The King vs. J. R. Robertson. As-sault with a deadly weapon. Deputy deck passengers. From Mani and Hawaii per stmr W 6 Attorney-General Peterson and W. A. Whiting for the Crown; V. V. Ashford, Paul Neumann and G. K. Wilder for the Hall, Jan 18—Major W H Cornwell, G W C Jones, Hon J Richardson, E McDade, A W Wilson, W D and H H West, F May, Dr G Burdell, R von Tempsky, Miss Chapdefendant: man, Rev W H Barnes, and 74 deck pas The indictment was presented as fol-

ows: That John R. Robertson, a foreigner, on the 13th day of October, 1888, with force and arms in and upon one Louis Magoney wilfully, feloniously and without authority or justification by law maliciously did make an assault, being wife, Miss E Lyman, M A Gonsalves, R L Auerbach, Major H F Bertelmann, B Smith, wife and son, Δ Delanux and son, Rev Father Sylvester, Henry Dimond, 15 prisoners, and 22 deck passengers. then and there armed with a weapon obviously and imminently dangerous to life, to wit, a loaded gun, and the said gun did then and there shoot and discharge at the said Louis Magoney and From Waianae, per stmr Kaala, Jan 19 C N Spencer. Mr Ellenberg and family, him the said Louis Magoney did then and thereby grievously wound against the peace and dignity of our sovereign From Maui, per stmr lakelike. Jan 20— M V Holmes, A Enos and wife, D El-dridge, P Cockett, Mrs Rodriques, A F Linder, 10 prisoners, 1 insane, 2 police offi-Lord the King and contrary to the form of the statute in such case made and pro-

vided. The following jury was sworn: H. G. Crabbe, G. C. Stratemeyer, J. H. Black, . Welsh, Robert Grieve, L. A. Burgett, G. E. Howe, Hugh Gunn, T. F. Lansing, Chas. Lucas, J. M. Dowsett and W. E.

H. Deverill. Deputy Attorney-General Peterson opened to the jury, briefly reviewing the facts of the case. With regard to delay in bringing up the case, Mr. Peterson said that, owing to the defendant being related to the Attorney-General, the matter had been placed in his hands. He had been absent on Hawaii several months and since his return had been no intention to delay the case, if any used by Robertson before going out. blame in the matter he alone was respon-

Dr. G. Trousseau (after a discussion etween witness, Crown counsel and the Court as to remaneration being paid witness as an expert), sworn-I hold a license to practise medicine; have been here eighteen years; I know the man Magoney; in October last I attended upon him professionally; at 2 o'clock on the morning of October 14, 1888, a man brought Magoney in a brake to my house; it was a dark and rough night; Magoney was laid in the bottom of the For Hamakua per stmr Iwalani, Jan 17 -Mr Pierce, Mrs J R Mills, A W Carter, brake; when I found his condition I had him removed to the Queen's Hospital at nce; I telephoned to Drs. McKibbin and Brodie, the Hospital medical officers, that there was a serious case at the institution: within half an hour the three of shot in the lower part of the left arm; we decided that immediate amputation was necessary; it was performed by Dr. McKibbin; the lower part of the left fore arm hung by little pieces of skin; by sailed from Kahulni, Maut, on Wednes-day January 16th, with full cargoes of sugar for San Francisco. The former had 580 the size of the wound I should say it was made by shot.

Dr. Robt, McKibbin swern-I am a practising physician and surgeon; am regular attending physician at the Queen's Hospital; Magoney was brought there at 2 o'clock a. m. October 14th; Dr. Trousseau telephoned to me about him; we made an examination and saw the only chance for his life was amputa- after having rested. tion; both bones of lower part of fore arm were shot; there was no shot there. t had passed through; found scattering shot in different parts of the body; there | nie and Magoney) were there; Robertson must have been two shots; Magoney was discharged from the Hospital November 19th; his recovery was rather rapid

J. H. Soper, sworn-I am Marshal of he Kingdom; I investigated the premises at Waialua a day or two after the The American four-masted schooner Robert Searles, Captain H. Pittz, arrived early January 15th, 25 days from Port Blakely, W. T., with 705,585 feet lumber barrelled breech-loader with a snap on top; it was an old gun.

Cross-examined-The piece of wood t has been under lock and key ever

Robinson, and is anchored at Brewer's wharf. The Robert Searles was built by Louis Magoney, sworn-I know J. R. Robertson; I was working for him in The Oceanic Company's brigantine W.G. Irwin, Captam J. E. McCulloch, arrived early on Wednesday, January 17th, about 1414 days from San Francisco with 540 tons October last; had been there for four or five weeks; on Saturday the 13th of October I went with Mr. Robertson to Mr. Gay's for some horses; we started general merchandise and a deckload of 240 pigs for Messrs. Burke & Winston. Had S. S. & S. W. winds the first seven days. about 8 o'clock in the morning; he left me in the afternoon to go to Waialua; I got the horses after some difficulty and thence had fair trade winds to port. The W. G. Irwin is docked at the Company's wharf and will leave again about next took them home, arriving there about 3 o'clock in the afternoon; Robertson get home about half or three-quarters of an hour later; he called us all in to supper; Giffer, 201 tons register, put into this port there were John; Angus, Kealoha and myself; we all had supper; during the meal I made some remark about the description of the horses I was sent after which made Robertson mad and excited gale and her rudder and rigging were damaged, and the jibboom was carried he called me a damned son of a bitch, and getting up picked up an ax handle and away. She calls here for repairs, after which she will proceed on her way to made two welts at me; I shoved him and he fell down, upsetting a kettle of hot water off the steve: I warded the blows off; a man named John got hold John Lee, sailed early January 17th for San Francisco with 20.085 bugs sugar and of me and I went out by the kitchen San Francisco With 20.085 bugs sugar and 300 bags rice. The shippers were: Castle & Cooke, 1,118 bags sugar; F.A.Schaeffr & Co., 6,884 do. do.; C. Brewer & Co., 2,783 do. do.; C. Boite, 1,087 do. do.; Theo. H. Davies & Co., 7,057 do. do.; H. Hackfeld & Co., 5,846 do. do.; M.S. Grinbaum & Co., 1,000 do. do.; Wing Wo Tai & Co., 300 bags rice. Total tominge 1,520 tons. Domestic value, \$140,332 44 door and round to the room where I sleep; did not go into the room; while standing outside thinking, saw Robertson come right through the shed; he put a gun to his shoulder and said, you son a bitch I have got you now; he shot, but I did not exactly feel it that time; the second time he aimed right at my head; I tried to dodge the shot and closed up to him when he shot me in day, January 15th, for S.u. Francisco. The shippers were: W. G. Irwin & Co., 10:307 bags sugar; H. A. Widemann, 4:942 do. do.; W. C. Sproul), 307 do. do.; C. Afong, 805 do. do.; Hyman Bros., 1,040 do. do., the arm; he said God damn you, I will kill you; I told him he might as well have killed me; John came and he laid my head on his knee; when Robertson saw what he had done he sent Angus and 80 bags rice; Sing Chong & Co., 1,700 bags rice; M. Phillips & Co., 700 do, do,; E. L. Marshall, 874 behs. bananas; A. J. after a horse and got some bandages and bound my arm up, using shingles; he also got a bottle of carbolic acid and poured it into the wound; it burned me considerably; while I was laid down I said you are a fine lot of men not to have been able to take the gun away from him; I was brought to town; when the feet away; could not say exactly; at occurrence took place; cannot say posithe second shot he was pretty close to tively on which side of the door blood is

Cross-examined-I was not drunk that evening; had not words with anyone but Robertson; I sat at the centre of the table at supper time, Robertson being at the end; Angus sat between me and Robertson; Kealoha was between me and John; I spoke to Robertson about the description he gave me of the horses; he stood up and got an ax handle from rapid stream and high tone of voice, used probably being quicker than he was; he struck me on the left arm; I shoved him knife; first time I saw Magoney prior to seconds after the trouble; John grabbed at the table; (to Mr. Neumann) I mean PIERCE—In San Francisco, December 16th, Edward A. Pierce, a native of Brooklyn, aged 42 years.

The and I went out of the room; I did by "that time" that the gun might have not say anything to Robertson; I did been loaded before; I could not be positive whether I loaded gun after giving

your liver out;" I had nothing in my hand; did not have a piece of wood in left the dining room I never touched say one week after the shooting to Messrs. Eckhardt and Flohr and my brother "that if Robertson had not got that shot at me he would have been wearing a wooden coat by this time;" I was talking with them; I may have said something in a temper, but I do not often get so; I do not know Chas. Maloney, who occupied a cot near to me: Flohr and my brother were talking to me, and Mr. Eckhardt told me to stop and they went away; my father was Italian, my mother English; I was borne at Newcastle-on-Tyne. It was daylight when the shooting happened. They started with me to town about dusk.

At 11:50 the Court took a recess until

AFTERNOON.

Angus Campbell, sworn-Cross-examined-Robertson was standing at the bedroom door; Rennie was inside getting a shirt, and brought it out; the door that Rennie put Magoney out of was that of the kitchen opening on the irritation, that is, until suppuration beveranda; Magoney was well liked on the ranch; when I went in on veranda bedroom door was open; Robertson had not a gun when I went in; I saw Robertson take the gun from the corner behind the door; he told Magoney to go away or he would shoot him: Robertson backed into the room, when he saw Magoney coming; (to the Court) I went into the room after Robertson; he warned Magonev a second time before taking the gun; he stood near the door just inside when he fired; (to a juror) after Robertson told Magoney at the first to leave the premises, and after the upsetting over the stove, Robertson said, 'Can't any of you fellows help me; very much occupied. There had been there was no cursing or foul language

Kealoha, sworn-I worked for Robertson at Waialua; was there night of shooting; had supper at 6 o'clock; understand a little English; trouble arose between Louis and Robertson at supper. but I didn't know what dispute was about; Louis jumped up and pushed Robertson over the stove; I remained seated but others got up and picked Robertson up; after Robertson got up he told Louis to go out of the house; I was there till I finished my supper; these mea were running about and hitting the table, and I looked after the table; Robertson was scalded and others were rubbing him with beer, oil, etc. after they got through Robertson started for the bedroom and just after that the gun went off; immediately afterward Magonev came in with his arm broken us were there together, and made a thor- off and blood running, and I got frightough examination of Magoney; he was ened and ran off; when gun went off I very weak from loss of blood; he was was at table, not eating, but looking out for the table; (to a juror) from time Robertson was helped until gun went off most have been five minutes; was a good deal of excitement, men seemed quite angry; heard only one shot; when Louis came back from Waialua he was under influence of drink, and I think that was cause of trouble; believe he was under influence because he was very talkative contrary to his usual

> Mr. Neumann having declined to cross-examine witness, now objects to Peterson resuming examination Cross-examined by Mr. Neumann-

Know row took place, although was at supper, because we three (witness, Renwent into bedroom; I was there all the time until gun went off; I was very much frightened, and was in vard till Robertson called me to get a horse. Prosecution rests.

THE DEFENSE.

Dr. Miner sworn-Remember August shooting; saw the house and the lay of 14th; called for injuries to Robertson; the land; saw a shotgon there, a double met him in street opposite Hawaiian News Company; went back with him to your office (V. V. Ashford's); found three parallel scratches on left side of his produced) is the brace of a saddle-rack; head, bleeding, and mark as of a scald I found it near the veranda of the house; on the back of the head; scratches might have been caused by a fall, or by blows from an instrument; they were sufficiently severe to require dressing.

J. R. Robertson, defendant, sworn-Heard evidence of doctor; got scratches described by him from being thrown down by Magoney; trouble between Magoney and me arose from my checking him for using bad language at the table; I did not check him with an ax handle or use violence; he got up before I knew what he was doing and capsized me over the stove; when I got up the boys were putting Magoney out of the door; Magoney came back and said, "You whitehearted son of a bitch, I'll take the liver out of you;" I went into the room; did not know where Magoney went; I asked boys if they were sure he was gone, as did not want to take any chances with him; then heard his voice from his room saying he would cut the liver out of me; heard him coming and sung out, "Don't come near me, for I won't let you cut the liver out of me;" he was still coming and I sung out the same warning again; after the second warning I pushed the door back a little to reach the gun, took the gun and fired; he had one foot on the veranda when I fired; it was about dusk; I was probably a little excited; the Chinaman's place was just behind, and I was afraid Magoney in there to get a knife, as he talked of cutting my liver out; it was my impression that he was coming with a knife was certainly afraid at his threats, that's why I told him to keep away and why I got the gun; I had no other idea than that he was coming back to carry out his threat; what I called out first time was, Don't you come here or I'll shoot;" he was then five or six yards away, second time he had one foot on veranda and ap proaching while he made threats; after I fired I went out and helped Magoney all I could, and he was abusing me all the time; picked up what Magoney dropped; it was that stick (lying on the desk), a brace of the saddle rack; things first shot was fired he was about fifteen at place are in same position as when it is probably Magoney's blood: he was four feet from the door when shot, that is the width of the veranda.

Cross-examined by Mr. Whiting-I was not drinking spirits that day; am not positive whether I leaded the gun at that time or not; did not take the gun up again, Angus did; heard Magoney abusing me in a loud voice, spoke in a behind the kitchen door, and made two every bad term he could; I immediately blows at me; I warded the blows off by concluded on hearing his threat of cutover as he was making the second blow; shooting he was four or five yards away; remained in the room about two am not aware I used any "cu-s words

warning or not; think it was already loaded; belt with cartridges was hanging my hand before the shooting; after I in kitchen; carried no cartridges in my pocket; between Magoney's going out even a board of the house; have not and coming back was about five minutes; made a statement to any one; I did not | did not go to the kitchen in that interval; (to a juror) there were several ax handles in kitchen, not far from the dining room table: (to Mr. Whiting) do not keep any cartridges near the gun; (to the Court) door where shot was fired closes from inside.

> J. F. Eckardt, sworn-I am in charge of Queen's Hospital; know Magoney, he was in hospital five weeks; his temper is rather fiery and excitable; he was a rather refractory patient; Magoney made a remark when I was present in room, when his brother and Mr. Flohr were there, that "If Robertson hadn't got that shot at me, he would have been wearing a wooden overcoat by this time;" he spoke so loud that I had to ask him not to disturb other patients. Cross-examined by Mr. Whiting That remark was made about a week

> after Magoney came to hospital; he was not suffering more pain than was to be expected from nature of injuries; dressing with carbolic acid does not cause gins; it began in this case about ten days after admission.

> Thomas Maloney, sworn-Was an inmate of Queen's Hospital when Magoney was there; remember when Flohr and Magonev's brother were there; conversation was so loud that I told them to go out of the hospital; I have had private conversations with Magoney; heard his remember other conversations of that

V. V. Ashford, sworn-I went down to premises where shooting occurred; this is approximately correct plan; I did not measure distance from door to veranda step, it is about five or six feet; found blood on jamb of door and mark of quite a pool of blood on floor, not as if rubbed on but as if it had spurted there; don't remember whether step to veranda was high or low step; Magoney's bedroom door is perhaps thirty feet from Robertson's, but the rooms themselves are not more than fifteen feet apart; saw cartridge belt hanging where Robertson said it was: forget whether I saw the gun or not; (to a juror) as a matter of opinion I don't think two barrels could go off at a short distance and sound like one discharge. Cross-examined--Have in my experi-

ence fired two barrels together; never mistook two for one at short distance; Parke is elected assignee. my impression is that I did not examine ontside of door. Defense rests. Mr. Neumann addressed the jury for

the defense, beginning at 3:42 p. m. He

claimed that the evidence showed that

Magoney had brought his injury upon

himself by his violence, his threats

against Capt. Robertson and, so far as

the latter believed, his attempt to exe-cute those threats. There were conflicting statements in the testimony for the witnesses for the prosecution none had supported the statement of Magoney perty under a chattel mortgage. that Capt. Robertson committed or attempted an assault upon him with an ax handle. Mr. Eckardt's evidence showed that Magoney was a man of violent temper, and that it had been his intention, according to his own words, to do serious injury to the Captain and perhaps take his life. Reasonable ground was established for believing that Robertson was in actual bodily fear, and it did not require that a man should be a coward to defend himself as Robertson had. The defense had nothing to do with the witnesses for the prosecution, but not one of these would testify that more than one shot had been fired, except Dr. McKibbin who said that from the nature of the wound there must have been two shots fired. There was no surgeon whose diagnosis or opinion on a pathological question he would more readily accept than that of Dr. McKib-bin, but in the gunning matter he considered the theory of two shots was irreconcilable with the evidence of evewitnesses. There were two gunning men on the jury who perhaps could explain how shots from a single discharge could have penetrated Magoney's foot, his shoulder and his, cheek at that short range. Perhaps Magoney was in the act of stooping to mount the veranda and being a small man the focus was thus reduced so as to admit of the wounds described. Counsel commented upon the testimony in detail, to show that Magonev brought the damage upon himself by his criminal conduct, and that Robertson was fully justified in shooting him to protect himself against what he feared was to be a dangerous and serious assault. The contradictions of and inconsistencies in Magonev's own evidence were such as should take it altogether out of their consideration. He testified that he never set foot upon the floor of that house after he was put out, or walked out as he said himself; yet it was clearly proved that he was in the act of stepping upon the veranda when shot. That was why be (counsel) had asked about the blood; it was shown to be on the veranda and on the door ambs, and was undoubtedly Magoney's. After being warned off the premises on account of his violent conduct, it would have served him right if he had lost his

Mr. Whiting addressed the jury for the Crown, beginning at 4:20 o'clock. He briefly explained his position in the case, having been asked only the previous evening to assist the Government. The evidence of Magoney and the other employees of Robertson at that time, was conclusive to show that Magoney was the coolest man in the whole company. All the others were excited, Robertson so much so that he does not seem to have known what he was doing. It seemed very strange that all the cursing was done by Magoney, as most men would find it hard to be calm after receiving such a burn as Robertson. There was no doubt about Robertson firing the shot that injured Magoney. The whole case converged in the question whether Rob-ertson was justified in the shooting, and the Court would instruct them as to how far a man could go under the circumstances proved. He submitted to the jury that the fear of Magoney getting a knife was not the cause of Robertson firing at Magoney. A man with a gun in his hand should know how to use it, when to use it and that at the last moment. and he submitted that defendant did not exercise the judgment required, but was guilty of the assault here charged.

Judge Bickerton began charging the jury at 4:35. There was now no doubt as to the defendant's having fired the gun and wounded Magoney. It was for them to decide whether more than one shot had been fired; he had no theory to offer them. He charged them that the jury at 4:35. There was now no doubt offer them. He charged them that the affair in the kitchen did not warrant denot say "you son of a bitch I will cut I tive whether I loaded gun after giving fendant in taking the gun; that trouble

had been all over and past. The only defense tenable was that here employed that is, the theory of self-defense. His Honor cited the law as laid down and adopted by this Court, to the effect that before a man uses a deadly weapon on another for self-protection, he must make an honest attempt to escape from the threatened violence. He complied with the request of the defense in charging them that the shooting was justifiable if Robertson was reasonably apprehensive of danger of being killed or receiving grievous bodily harm, and this even if it turned out afterward that there was no actual danger. It was for the jury, however, to consider all the circumstances and therefrom find whether Robertson had reason to be in fear of his life being in danger, and in that case if he had the opportunity of escaping from the threatened injury without using deadly means of defense.

The jury retired at 4:50 to consider their verdict. At 5:03 the jury returned with a verdict of guilty, one dissenting. Mr. Neumann noted an exception to the verdict and gave notice of motion for a new trial.

His Honor deferred passing sentence until Monday morning.

SATURDAY, Jan. 19. The King vs. F. Schmorl. Practising as a physician without a license. Tried before a foreign jury. Verdiet of guilty returned, two jurors dissenting. fendant is fined \$100 and costs. P. Neumann for defendant.

Mr. Justice McCully presides in the afternoon, to hear continuation of the reference to " wooden overcoat," do not following divorce case, partly tried by him at last term. A. M. Kabananui, w., vs. B. H. Ka-

hananni, k. Petition for divorce. Creighton for plaintiff; A. Rosa for de-Unfinished when the Court fendant. adjourned at 4 p. m.

SUPREME COURT .-- AT CHAMBERS.

SATURDAY, Jan. 12.

Before Mr. Justice McCully. Bankruptey Lee Hop & Co. W. C. Parke, assignee, in person. Ordered that the assignee's account be approved, he discharged, and his bond cancelled upon filing of creditors' receipts for final divi-

Monday, Jan. 14. Before Mr. Justice Preston. Bankruptcy A. M. Hewett. Claims are proved amounting to \$5,362.22. W. C.

Bankruptey Quong Yuen Co. Neumann for the assignees. Ordered that the assignee's sale of property enumerated in their application of January 10th se confirmed.

Wednesday, Jan. 16.

Before Mr. Justice Preston. Bankruptey of W. H. Graenhalgh, W. A. Whiting for the creditors. Claims amounting to \$4,867.52 are proved. W. C. Parke is elected as assignee under prosecution, which made the case better \$500 bond. The above amount does not for the defendant. Among all the other | include the claim of T. G. Thrum, who had already taken possession of the pro-

Before Mr. Justice Dole. John Parker and Samuel Parker vs. A. J. Cartwright and others. Bill in equity to cancel a lease. Hartwell and Neumann for plaintiffs; Brown and Smith for defendants. Answer day. The hearing was still on at adjournment for the day.

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Assignee's Notice!

HAVING BEEN APPOINTED
Assigned of the fistate of C. AWANG, of
Lahaina, Bankrupt, I hereby request all persons having catios against said estate to present same at once duly proven before the Court
and all persons indebted to said estate will
make immediate payment to me at the office of make immediate payment to me at the office of M. Phillips & Co., or to Thomas E. Evaus, Lahaina. THEO. F. LANSING.

Executor's Notice!

THE UNDERSIGNED HAV-I ing been duly app inted Executor of the Estate of MAI KEAWEAMAIII, late of Honoluin Onha, deceased: Notice is hereby given to all nersons to present their claims sgainet the estate of the said Mai Keawenmahi, decossed, duly authenticated and with proper vouchers if they exist, whether secured by mortgage or otherwise, to the undersigned, at the law office of William C. Acid. No. 15. Kaa-human's Street, in Housdal's, within six months from the date hereof, or they will be forever barred. PRANK PAHIA, Executor. Dated Honolniu, Jan. 8, 1889. 1251-40

Copartn rship Notice.

THE UNDERSIGNED HAVE THIS I day entered into a copartnership for the purpose of carrying on the business of SELLING AWA at Lahaina, on the island of Mani, under the firm name of Yee Hop

Yeong Hong of Hoopulou, Hawaii, Lahaina, Mani, Jan. 1, 1889. 1253-2t 11-1t*